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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER	
HALIM, SAHERA	
ART UNIT	PAPER NUMBER
2157	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/931,590	NEWNAM ET AL.	
	Examiner	Art Unit	
	SAHERA HALIM	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 May 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1- 10, 12-38 and 40-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10, 12-38 and 40-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/09/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the Amendment filled on 5/30/2008.

2. Claims 1-10, 12-19, 28-38, and 40-44are pending.

3. Claim 30 has been amended and claim 39 has been cancelled.

4. Claims 41-44 have been added.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 recites the limitation "it is" in line 5. There is insufficient antecedent basis for this limitation in the claim.

7. Claim 1 recites the limitation "the same interactive content "in line 10 and line 21. There is insufficient antecedent basis for this limitation in the claim.

8. The term "temporally" in claims 1 and 13 is a relative term which renders the claim indefinite. Temporally could be a day or a year or till something happens.

9. Claim 1 recites the limitation "the event" in lines 19 and 20. There is insufficient antecedent basis for this limitation in the claim.

10. Claim 1 recites the limitation "that when" in line 17. There is insufficient antecedent basis for this limitation in the claim.

11. Claim 1 recites the limitation "that" in line 21. There is insufficient antecedent basis for this limitation in the claim.

12. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line 10 of the claim, recites “the interactive content being related to the broadcast event”. It is unclear which event broadcast this limitation is referring to, the one stored on client device or the PIR. Line 12 of the claim 1 recites, associating the interactive content received from the server system with the broadcast event”. It is unclear whether it is referring to the broadcast event in client device or PIR. In addition line 14, recites the limitation of "retrieving the stored broadcast event". Again it is unclear which broadcast event is being retrieved the one stored on the client device or PIR.

13. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line 3 of the claim recites “for causing to be stored interactive content”. It is unclear what is to be stored.

14. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Line 4 of the claim recites “interactive content related to the broadcast event and received separately from the broadcast event at the time of the broadcast event”. The time of the broadcast event has never been mentioned before. The examiner is confused by this whole section from line 1-5.

15. Claim 13 recites the limitation "the time” in line 5. There is insufficient antecedent basis for this limitation in the claim.

16. Claim 13 recites the limitation "the same interactive” in line 5 and 10. There is insufficient antecedent basis for this limitation in the claim.

17. Claim 13 recites the limitation "such that when " in line 7. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 13 recites the limitation "the user" in line 8. There is insufficient antecedent basis for this limitation in the claim.

19. Claim 13 recites the limitation "when such content" in line 9. There is insufficient antecedent basis for this limitation in the claim.

20. Claim 13 recites the limitation "when the event" in line 9 and 11. There is insufficient antecedent basis for this limitation in the claim.

21. Claim 13 recites the limitation "that" in line 11. There is insufficient antecedent basis for this limitation in the claim.

22. Claim 30 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line 8 of the claim recites "receiving the broadcast video program and the interactive data separate from the broadcast video program". It is unclear how can the broadcast video program can be received separate from itself.

23. Claim 30 recites the limitation "the same interactive content" in line 9 and 19. There is insufficient antecedent basis for this limitation in the claim.

24. Claim 30 recites the limitation "when such" in line 17. There is insufficient antecedent basis for this limitation in the claim.

25. Claim 13 recites the limitation "when the event" in line 20. There is insufficient antecedent basis for this limitation in the claim.

26. Regarding claim 30 and 33, the phrase "operably", renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 103

27. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

28. Claim1, 3-9, 12, 13, 15-19 and 28-33, 35 and 41-44, as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Matheny et al. et al. US Patent No. 6,766,524 in view of Dougherty et al., US. Pat. No. 7,028327 (hereinafter Doug).

29. As per claims 1, 13 and 30, Matheny et al. teaches a method and system for a enhancing a broadcast event for a plurality of remote viewers each having a client device including a local storage device and a personal interactivity recorder (PIR) for storing the broadcast event and playing back the broadcast event, and an interactive television system for storing and playing back an enhanced video program, the method and system comprising:

Each local storage device (set stop box 245) receiving and storing the broadcast event as it is being broadcast via a broadcast event signal (broadcast signal 210) to the plurality of remote viewers during a first time period (column 2, lines 46-55);

Each PIR receiving and storing interactive content provided from a server system separately from the broadcast of the broadcast event and not embedded in the broadcast event signal, the interactive content being related to the broadcast event, the

same interactive content being configured to be displayed by each client device during the first time period; each PIR temporally associating the interactive content received from the server with the broadcast event (column 2, lines 39-46; column 2, lines 56-67);

A particular one of the client devices retrieving the stored broadcast event and interactive content in response to a user command (column 2, lines 50-55); and

the particular one of the client devices playing back the retrieved broadcast event from storage during a second time period such that when the retrieved broadcast event is played back from storage, the corresponding PIR provides to the user the interactive content at one or more times during the stored-retrieved broadcast event when such interactive content would have been displayed when the event was being broadcast, the interactive content provided by the corresponding PIR during the second time period configured to be the same interactive content that would have been displayed when the event was broadcast during the first time period. (Column 2, lines 38-67; column 5, lines 15-25; column 6, lines 40-45).

Matheny et al. fails to explicitly disclose receiving interactive content separately from the broadcast of the broadcast event and not embedded in the broadcast event signal. However, Doug discloses receiving interactive content separately from the broadcast of the broadcast event and not embedded in the broadcast event signal (see col. 17, line 6-40).

Having the teachings of Matheny et al and Doug, it would have been obvious for a person having ordinary skill in the art at the time of the invention to combine the teachings of Dough and Matheny et al in order enhance system reliability.

30. As per claims 3 and 15, Matheny et al. teaches the method and system of claims 1 and 13, wherein the temporal associating includes using one or more of absolute time codes, relative time codes, and frame sequence numbers (column 4, lines 60-67; column 5, lines 1-15).

31. As per claims 4 and 16 and 17, Matheny et al. teaches the method ands system of claims 1 and 13 wherein the interactive content includes trivia questions, the user has an input device for entering an answer, and the PIR stores the correct answer and provides to the user an indication of a correct or incorrect answer after the user enters an answer to a question (column 3, lines 30-45; column 5, lines 34-67).

32. As per claims 5 and 18, Matheny et al. teaches the method of claims 1 and 13, wherein the interactive content includes poll questions, the PIR storing poll results, the user has an input device for entering a response, and the PIR provides poll results after the user enters a response to the poll question (column 3, lines 30-45; column 5, lines 34-67).

33. As per claims 6 and 19, Matheny et al. teaches the method of claim 1, wherein the interactive content and video broadcast event are stored on the same medium (column 5, lines 16-27).

34. As per claim 7, Matheny et al. teaches the method of claim 1, wherein the PIR uses the processing and storing functionality of the local storage device (local memory 245).

35. As per claim 8, Matheny et al. teaches the method of claim 7, wherein the local storage device includes a hard drive (disk drive 250).

36. As per claim 9, Matheny et al. teaches the method of claim 1, wherein the local storage device includes a hard drive (disk drive 250).

37. As per claim 12, Matheny et al. teaches the method of claim 1, wherein the PIR includes processing and storage (set top box 245; column 2, lines 39-65).

38. As per claims 28, 29 and 35, Matheny et al. teaches the method and system of claims 1, 13 and 30 wherein the interactive content provided by the PIR and at the time of the broadcast event is not targeted interactive content that is based on individualized viewer profile information (column 3, lines 4-55).

39. As per claim 31, Matheny et al. teaches the system of claim 30, wherein the first local storage medium is the same as the second local storage medium (column 2, lines 46-55).

40. As per claim 32, Matheny et al. teaches the system of claim 30, wherein the first recording device is the same as the second recording device ((column 2, lines 46-55).

41. As per claim 33, Matheny et al. teaches the system of claim 30 further comprising: a user input device operably coupled to each client device for transmitting a video control message to the first and second recording devices, the first and second recording devices being configured to separately perform a corresponding action on respectively the video program and interactive content in response to the video control message (column 6, lines 40-67).

42. As to claim 41, Matheny and Doug teach wherein the broadcast event is broadcast of the a video grogram, the method further comprising recording the video program in a personal vide recorder (PVR) separate from the PIR (see col. 6, line 40 – 67).

43. As to claim 42, Matheny and Doug teach wherein the broadcast event is broadcast of a video program that contains no embedded triggers associated with the interactive content (col. 6, line 40 -67).

44. As to claim 43, Matheny and Doug teach wherein the interactive content is an on-line program transmitted by the server system over a wide area network and synchronized with the video program (col.6, line 40 – 67).

45. As to claim 44, Matheny and Doug teach wherein the first recording device recording the video program is a personal video recorder (PVR) and the second recording device recording the interactive data is a PIR separate from the PVR fro recoding the interactive data separately from the video program (se col. 6, line 40 - 67).

46. Claim 2, 14, and 34 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Matheny et al. et al. US Patent No. 6,766,524 in view of Dougherty et al., US. Pat. No. 7,028327 (hereinafter Doug) and further in view of Dunn et al. US Patent No. 5,517,257.

47. Matheny et al. and Doug teaches the method and system of claims 1, 13 and 30 including the PIR having the functionality of a VCR and set top box. See claims 1, 13 and 30. Matheny et al. does not expressly teach wherein the local storage device includes functionality for fast forward, rewind, and pause functions. Dunn teaches the local storage device includes functionally for fast forward, rewind, and pause functions. See column 5, lines 39-60. However, the concept and advantages of fast forward, rewind and pause functions is old and well known in the art. It would have been

obvious to a person of ordinary skill in the art at the time of the invention to modify the VCR and set top box function of Matheny et al. with fast forward, rewind and pause functions. A person of ordinary skill in the art would have been motivated to do this to allow the user to view the event conveniently.

48. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matheny et al. et al. US Patent No. 6,766,524 in view of Doug and further in view of Bolnick et al. US Patent Publication No. 2002/0023230. Matheny et al. teaches the method of claim 1. Matheny et al. and Dough do not teach wherein the PIR stores and plays back messages sent by other viewers using chat functionality during the broadcast event. Bolnick teaches wherein the PIR stores and plays back messages sent by other viewers using chat functionality during the broadcast event. See paragraph 0034 and claim 12. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the chat functionality of Bolnick with the broadcast event of Matheny et al. A person of ordinary skill in the art would have been motivated to do this to enhance the interactivity of the session between a student and a teacher.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonable suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968))

Response to Arguments

49. Applicant's arguments with respect to the above claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

50. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sahera Halim whose telephone number is (571) 272-4003. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sahera Halim
August 23, 2008

/Ario Etienne/
Supervisory Patent Examiner, Art Unit 2157